Technical College at Arsikere.

Q.—667. Sri K. PANCHAKSHARIAH (Arsikere).—

Will the Government be pleased to state :—

(*a*) whether it has come to their notice that there is need for a Technical College at Arsikere which is a prominent industrial town in Hassan District ;

(*b*) the steps they have taken in this behalf ?

A.—Sri A. G. RAMACHANDRA RAO (Minister for Law and Education).—

(*a*) No.

(*b*) Does not arise in view of answer to (*a*) above.

LEGISLATIVE BUSINESS

THE MYSORE MOTOR SPIRIT (TAXATION ON SALES) (AMENDMENT) BILL, 1953.

Motion to consider.

Sri KADIDAL MANJAPPA (Minister for Revenue and Public Works).—I beg to move :

"That the Mysore Motor Spirit (Taxation on Sales) (Amendment) Bill, 1953, be taken into consideration."

This is a very simple measure.

Sri M. RAJASEKHARA MURTHY (Yelandur).—I rise to a point of order. This House is not competent to discuss this Bill. The measure now brought is virtually an amendment to the original Act, that is, the Mysore Motor Spirit (Taxation on Sales) Act. Prior to 1949, the State Governments had the sovereign right to discuss on any Bill ; but after 1949, that is, after the merger of the States with the Union, most of the Central enactments have been extended to the States. Now this comes in the Union List, that is, Tax on import of petrol. It is included in the Union List, bearing Subject No. 53. The Central Government has got a separate enactment governing the principles of taxation on motor spirit and the State Government has no right to amend this Act. Moreover, the Constitution came into existence in 1951. The legislative enactments made prior to 1951 on subjects which are now included in the Union List are followed only for two years from the date of the commencement of the Constitution, so much so this Act expires on 31st March 1953. Further, I would like to point out that on account of the adaptation of the Laws Act passed in 1949, most of the Central enactments have been extended to Mysore also and this subject-matter..

Sri KADIDAL MANJAPPA.—May I know the enactments extended to the Mysore State ?

Sri M. RAJASEKHARA MURTHY.—You please look into the Schedule which is included in the Union List.

Sri K. HANUMANTHAIYA (Chief Minister).—Is it Subject No. 53 ?

Sri M. RAJASEKHARA MURTHY.—Yes—Taxation on motor spirit. If, in spite of the constitutional difficulty, the House is going to pass the Bill, it is not for me to say what the High Court is going to say as to the legality or otherwise of this legislation. Anyhow, I leave it to the discretion of the House and I seek a ruling from the Chair.

Sri J. MOHAMED IMAM (Jagalur).—I would like to clarify this point. My friend has raised an important issue regarding the competency of this House to pass legislation enhancing duty on petrol, and when the competency of the House is questioned, according to the Rules of Business, a full debate will have to be allowed. This is the provision under the Rule : "Where the Bill initiates legislation outside the legislative competency of the Assembly, the Speaker may permit a full discussion thereon". So, my friend has raised a very important constitutional point which has to be discussed fully and for which the Speaker will have to give full opportunity to all the members of this